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Getting at the Spy Hunters

Philip Agee and Louis Wolf call themselves journalists, but the only thing they have done for journalism is to create and corner a most ghoulish part of the market. They are in the business of identifying American undercover intelligence agents and publishing their names in books and bulletins. Their purpose is to destroy the nation's covert intelligence operations. Endangering the lives of the secret agents may not be their main purpose, but that is one result of their labor, a result about which they express indifference.

Because of that indifference, it is fair to tax this enterprise with some responsibility for the assassination in 1975 of Richard Welch, the C.I.A. station chief in Athens. The armed attack 10 days ago on the home of an American embassy official in Jamaica followed soon after Mr. Wolf described that official as the C.I.A.'s station chief in Kingston. Mr. Wolf suggests without proof that the agency itself might have committed the violence, but the important thing is that he doesn't care. As he told Philip Taubman of The Times, he has no qualms about the fate of individuals. "C.I.A. covert activities are inseparable from C.I.A. people," he said.

This attitude, like the project itself, mocks the First Amendment guarantee of free speech and American respect for dissent. It invites retribution against responsible as well as reckless critics of intelligence operations. It sorely tempts society to curb these individuals in ways that curtail the liberties of all. One such excessive response was the State Department's lawless revocation of Mr. Agee's passport, an action already struck down by the U.S. Court of Appeals in Washington.

We cannot match our outrage with a satisfying

solution. It should be easier to deal with Mr. Agee, a former C.I.A. agent, than with Mr. Wolf, a private citizen educated by Mr. Agee in methods of detecting agents and their covers. Present and former Government employees can be punished for misusing information they acquired in official jobs; perhaps the law can even presume that a misused secret was one derived from Government employment.

But it is not a crime, nor should it be, for a private citizen to gather and to publish information from public sources, however offensive to the Government and society. A law that would punish Mr. Wolf for publishing secret names in his Covert Action Information Bulletin could also punish a newspaper that identified an agent in the the valid and necessary reporting of events or in the course of a legitimate study of the C.I.A.

The United States needs spies abroad; every country employs them. Congress is reaffirming the need for intelligence and counterintelligence even as it strives to write a legislative charter to curb the past abuses of the C.I.A. Anyone is free to disagree with that commitment to spying and to agitate against it. But the Agee-Wolf publications exceed the bounds of dissent.

Threatening the safety of individuals ought to be distinguishable from challenging a national policy. So Congress is right to try to draw the distinction in law. But we are not yet persuaded that it can be done without jeopardizing the most precious liberties of speech and press. This is not the first attempt to use the defense of civil liberties as a shield, even for the most contemptible scoundrels. Let us look at laws that might get at them, but let us not in the process compound the damage they do.